

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1474
98TH GENERAL ASSEMBLY

Reported from the Committee on Rules, Joint Rules, Resolutions and Ethics, May 3, 2016, with recommendation that the Senate Committee Substitute do pass.

4593S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 130.026 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.057 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to the requirement of filing certain disclosure reports in an electronic format with the Missouri ethics commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 130.026 as enacted by senate bill no. 844, ninety-fifth
2 general assembly, second regular session, section 130.026 as enacted by senate
3 bill no. 262, eighty-eighth general assembly, first regular session, section 130.057
4 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular
5 session, and section 130.057 as enacted by house bill no. 676 merged with senate
6 bills nos. 31 & 285, ninety-second general assembly, first regular session, are
7 repealed and two new sections enacted in lieu thereof, to be known as sections
8 130.026 and 130.057, to read as follows:

[130.026. 1. For the purpose of this section, the term
2 "election authority" or "local election authority" means the county
3 clerk, except that in a city or county having a board of election
4 commissioners the board of election commissioners shall be the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

election authority. For any political subdivision or other district which is situated within the jurisdiction of more than one election authority, as defined herein, the election authority is the one in whose jurisdiction the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most populous portion of the political subdivision or district for which an election is held is situated, except that a county clerk or a county board of election commissioners shall be the election authority for all candidates for elective county offices other than county clerk and for any countywide ballot measures.

2. The appropriate officer or officers for candidates and ballot measures shall be as follows:

(1) In the case of candidates for the offices of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate court judges, the appropriate officer shall be the Missouri ethics commission;

(2) Notwithstanding the provisions of subsection 1 of this section, in the case of candidates for the offices of state senator, state representative, county clerk, and associate circuit court judges and circuit court judges, the appropriate officers shall be the Missouri ethics commission and the election authority for the place of residence of the candidate;

(3) In the case of candidates for elective municipal offices in municipalities of more than one hundred thousand inhabitants and elective county offices in counties of more than one hundred thousand inhabitants, the appropriate officers shall be the Missouri ethics commission and the election authority of the municipality or county in which the candidate seeks office;

(4) In the case of all other offices, the appropriate officer shall be the election authority of the district or political subdivision for which the candidate seeks office;

(5) In the case of ballot measures, the appropriate officer or officers shall be:

(a) The Missouri ethics commission for a statewide measure;

41 (b) The local election authority for any political subdivision
42 or district as determined by the provisions of subsection 1 of this
43 section for any measure, other than a statewide measure, to be
44 voted on in that political subdivision or district.

45 3. The appropriate officer or officers for candidate
46 committees and campaign committees shall be the same as
47 designated in subsection 2 of this section for the candidates or
48 ballot measures supported or opposed as indicated in the statement
49 of organization required to be filed by any such committee.

50 4. The appropriate officer for political party committees
51 shall be as follows:

52 (1) In the case of state party committees, the appropriate
53 officer shall be the Missouri ethics commission;

54 (2) In the case of any district, county or city political party
55 committee, the appropriate officer shall be the Missouri ethics
56 commission and the election authority for that district, county or
57 city.

58 5. The appropriate officers for a political action committee
59 and for any other committee not named in subsections 3, 4 and 5
60 of this section shall be as follows:

61 (1) The Missouri ethics commission and the election
62 authority for the county in which the committee is domiciled; and

63 (2) If the committee makes or anticipates making
64 expenditures other than direct contributions which aggregate more
65 than five hundred dollars to support or oppose one or more
66 candidates or ballot measures in the same political subdivision or
67 district for which the appropriate officer is an election authority
68 other than the one for the county in which the committee is
69 domiciled, the appropriate officers for that committee shall include
70 such other election authority or authorities, except that committees
71 covered by this subsection need not file statements required by
72 section 130.021 and reports required by subsections 6, 7 and 8 of
73 section 130.046 with any appropriate officer other than those set
74 forth in subdivision (1) of this subsection.

75 6. The term "domicile" or "domiciled" means the address of
76 the committee listed on the statement of organization required to

77 be filed by that committee in accordance with the provisions of
78 section 130.021.]

130.026. 1. For the purpose of this section, the term "election authority"
2 or "local election authority" means the county clerk, except that in a city or
3 county having a board of election commissioners the board of election
4 commissioners shall be the election authority. For any political subdivision or
5 other district which is situated within the jurisdiction of more than one election
6 authority, as defined herein, the election authority is the one in whose
7 jurisdiction the candidate resides or, in the case of ballot measures, the one in
8 whose jurisdiction the most populous portion of the political subdivision or
9 district for which an election is held is situated, except that a county clerk or a
10 county board of election commissioners shall be the election authority for all
11 candidates for elective county offices other than county clerk and for any
12 countywide ballot measures.

13 2. The appropriate officer or officers for candidates and ballot measures
14 shall be as follows:

15 (1) In the case of candidates for the offices of governor, lieutenant
16 governor, secretary of state, state treasurer, state auditor, attorney general,
17 judges of the supreme court and appellate court judges, the appropriate officer
18 shall be the Missouri ethics commission;

19 (2) Notwithstanding the provisions of subsection 1 of this section, in the
20 case of candidates for the offices of state senator, state representative, county
21 clerk, and associate circuit court judges and circuit court judges, the appropriate
22 [officers] **officer** shall be the Missouri ethics commission [and the election
23 authority for the place of residence of the candidate];

24 (3) In the case of candidates for elective municipal offices in
25 municipalities of more than one hundred thousand inhabitants and elective
26 county offices in counties of more than one hundred thousand inhabitants, the
27 appropriate [officers] **officer** shall be the Missouri ethics commission [and the
28 election authority of the municipality or county in which the candidate seeks
29 office];

30 (4) In the case of all other offices, the appropriate officer shall be the
31 [election authority of the district or political subdivision for which the candidate
32 seeks office] **Missouri ethics commission**;

33 (5) In the case of ballot measures, the appropriate officer or officers shall
34 be:

35 (a) The Missouri ethics commission for a statewide measure;

36 (b) The local election authority for any political subdivision or district as
37 determined by the provisions of subsection 1 of this section for any measure,
38 other than a statewide measure, to be voted on in that political subdivision or
39 district.

40 3. The appropriate officer or officers for candidate committees and
41 campaign committees shall be the same as designated in subsection 2 of this
42 section for the candidates or ballot measures supported or opposed as indicated
43 in the statement of organization required to be filed by any such committee.

44 4. The appropriate officer for political party committees shall be as
45 follows:

46 (1) In the case of state party committees, the appropriate officer shall be
47 the Missouri ethics commission;

48 (2) In the case of any district, county or city political party committee, the
49 appropriate officer shall be the Missouri ethics commission [and the election
50 authority for that district, county or city].

51 5. The appropriate [officers] **officer** for a continuing committee and for
52 any other committee not named in subsections **2, 3, [4 and 5] and 4** of this
53 section shall be [as follows:

54 (1)] the Missouri ethics commission [and the election authority for the
55 county in which the committee is domiciled; and

56 (2) If the committee makes or anticipates making expenditures other than
57 direct contributions which aggregate more than five hundred dollars to support
58 or oppose one or more candidates or ballot measures in the same political
59 subdivision or district for which the appropriate officer is an election authority
60 other than the one for the county in which the committee is domiciled, the
61 appropriate officers for that committee shall include such other election authority
62 or authorities, except that committees covered by this subsection need not file
63 statements required by section 130.021 and reports required by subsections 6, 7
64 and 8 of section 130.046 with any appropriate officer other than those set forth
65 in subdivision (1) of this subsection].

66 6. The term "domicile" or "domiciled" means the address of the committee
67 listed on the statement of organization required to be filed by that committee in
68 accordance with the provisions of section 130.021.

69 **7. Any financial disclosure reports and statements filed with the**
70 **Missouri ethics commission under this section shall be filed in an**

71 electronic format as prescribed by the commission.

2 [130.057. 1. In order for candidates for election and public
3 officials to more easily file reports required by law and to access
4 information contained in such reports, and for the Missouri ethics
5 commission to receive and store reports in an efficient and
6 economical method, and for the general public and news media to
7 access information contained in such reports, the commission shall
8 establish and maintain an electronic reporting system pursuant to
9 this section.

10 2. The ethics commission may establish for elections in
11 1996 and shall establish for elections and all required reporting
12 beginning in 1998 and maintain thereafter a state campaign
13 finance and financial interest disclosure electronic reporting system
14 pursuant to this section for all candidates required to file. The
15 system may be used for the collection, filing and dissemination of
16 all reports, including monthly lobbying reports filed by law, and all
17 reports filed with the commission pursuant to this chapter and
18 chapter 105. The system may be established and used for all
19 reports required to be filed for the primary and general elections
20 in 1996 and all elections thereafter, except that the system may
21 require maintenance of a paper backup system for the primary and
22 general elections in 1996. The reports shall be maintained and
23 secured in the electronic format by the commission.

24 3. When the commission determines that the electronic
25 reporting system has been properly implemented, the commission
26 shall certify to all candidates and committees required to file
27 pursuant to this chapter that such electronic reporting system has
28 been established and implemented. Beginning with the primary
29 and general elections in 2000, or the next primary or general
30 election in which the commission has made certification pursuant
31 to this subsection, whichever is later, candidates and all other
32 committees shall file reports by using either the electronic format
33 prescribed by the commission or paper forms provided by the
34 commission for that purpose. Political action committees shall file
35 reports by electronic format prescribed by the commission, except
political action committees which make contributions equal to or

less than fifteen thousand dollars in the applicable calendar year. Any political action committee which makes contributions in support of or opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the political action committee chooses. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, or on the date the commission makes the certification pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives or spends five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically.

5. A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

6. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for

72 each field contained on the report, that has been used to extract
73 information from their database files. The commission shall
74 develop a report or reports which contain every field in each
75 database.

76 7. Annually, the commission shall provide, without cost, a
77 system-wide dump of information contained in the commission's
78 electronic database files to the general assembly. The information
79 is to be copied onto a medium specified by the general
80 assembly. Such information shall not contain records otherwise
81 closed by law. It is the intent of the general assembly to provide
82 open access to the commission's records. The commission shall
83 make every reasonable effort to comply with requests for
84 information and shall take a liberal interpretation when
85 considering such requests.]

130.057. 1. In order for candidates for election and public officials to more
2 easily file reports required by law and to access information contained in such
3 reports, and for the Missouri ethics commission to receive and store reports in an
4 efficient and economical method, and for the general public and news media to
5 access information contained in such reports, the commission shall establish and
6 maintain an electronic reporting system pursuant to this section.

7 2. The ethics commission [may establish for elections in 1996 and] shall
8 establish [for elections and all required reporting beginning in 1998] and
9 maintain [thereafter] a state campaign finance and financial interest disclosure
10 electronic reporting system pursuant to this section for all candidates **and**
11 **committees** required to file **under this chapter**. The system may be used for
12 the collection, filing and dissemination of all reports, including monthly lobbying
13 reports filed by law, and all reports filed with the commission pursuant to this
14 chapter and chapter 105. [The system may be established and used for all
15 reports required to be filed for the primary and general elections in 1996 and all
16 elections thereafter, except that the system may require maintenance of a paper
17 backup system for the primary and general elections in 1996]. The reports shall
18 be maintained and secured in the electronic format by the commission.

19 3. [When the commission determines that the electronic reporting system
20 has been properly implemented, the commission shall certify to all candidates and
21 committees required to file pursuant to this chapter that such electronic reporting
22 system has been established and implemented. Beginning with the primary and

23 general elections in 2000, or the next primary or general election in which the
24 commission has made certification pursuant to this subsection, whichever is later,
25 candidates and all other committees shall file reports by using either the
26 electronic format prescribed by the commission or paper forms provided by the
27 commission for that purpose. Continuing committees shall file reports by
28 electronic format prescribed by the commission, except continuing committees
29 which make contributions equal to or less than fifteen thousand dollars in the
30 applicable calendar year. Any continuing committee which makes contributions
31 in support of or opposition to any measure or candidate equal to or less than
32 fifteen thousand dollars in the applicable calendar year shall file reports on paper
33 forms provided by the commission for that purpose or by electronic format
34 prescribed by the commission, whichever reporting method the continuing
35 committee chooses. The commission shall supply a computer program which shall
36 be used for filing by modem or by a common magnetic media chosen by the
37 commission. In the event that filings are performed electronically, the candidate
38 shall file a signed original written copy within five working days; except that, if
39 a means becomes available which will allow a verifiable electronic signature, the
40 commission may also accept this in lieu of a written statement.

41 4. Beginning January 1, 2000, or on the date the commission makes the
42 certification pursuant to subsection 3 of this section, whichever is later, all
43 reports filed with the commission by any candidate for a statewide office, or such
44 candidate's committee, shall be filed in electronic format as prescribed by the
45 commission; provided however, that if a candidate for statewide office, or such
46 candidate's committee receives or spends five thousand dollars or less for any
47 reporting period, the report for that reporting period shall not be required to be
48 filed electronically.

49 5.] A copy of all reports filed in the state campaign finance electronic
50 reporting system shall be placed on a public electronic access system so that the
51 general public may have open access to the reports filed pursuant to this
52 section. The access system shall be organized and maintained in such a manner
53 to allow an individual to obtain information concerning all contributions made to
54 or on behalf of, and all expenditures made on behalf of, any **candidate or** public
55 official described in subsection 2 of this section in formats that will include both
56 written and electronically readable formats.

57 [6.] 4. All records that are in electronic format, not otherwise closed by
58 law, shall be available in electronic format to the public. The commission shall

59 maintain and provide for public inspection, a listing of all reports with a complete
60 description for each field contained on the report, that has been used to extract
61 information from their database files. The commission shall develop a report or
62 reports which contain every field in each database.

63 [7.] 5. Annually, the commission shall provide, without cost, a
64 system-wide dump of information contained in the commission's electronic
65 database files to the general assembly. The information is to be copied onto a
66 medium specified by the general assembly. Such information shall not contain
67 records otherwise closed by law. It is the intent of the general assembly to
68 provide open access to the commission's records. The commission shall make
69 every reasonable effort to comply with requests for information and shall take a
70 liberal interpretation when considering such requests.

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